

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2014-053489

03/18/2015

HON. CAREY SNYDER HYATT

CLERK OF THE COURT

C. Vigil

Deputy

IN RE THE MARRIAGE OF
MARC J KROON

RICHARD R SEYFFER

AND

TRICIA L KROON

CYNTHIA L BEST

MINUTE ENTRY

Northeast Facility, Courtroom 104

10:44 a.m. This is the time set for a Telephonic Status Conference. Petitioner and his counsel, Richard Seyffer, are present telephonically. Respondent and her counsel, Cynthia Best, are present telephonically.

A record of this proceeding is made by audio and/or video in lieu of a court reporter.

Discussion ensues between the Court and both counsel the status of the case.

The Court has reviewed Respondent's Expedited Motion to Stay Petitioner's Temporary Parenting Time.

IT IS ORDERED denying the Motion to Stay. The issues contained in the Motion are reserved for trial.

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IT IS FURTHER ORDERED that the parties shall either submit the name of an agreed upon evaluator to complete a Comprehensive Family Evaluation from the Court's approved list, or submit a blind list of 4 names of potential evaluators on or before March 30, 2015, for the Court's selection. If an agreed name is not provided by the above date, the Court will appoint an evaluator from the list in its discretion. Mother shall be responsible for 100% of the fees, subject to reallocation.

With respect to the Petitioner's Motion for an Award of Attorney's Fees,

IT IS ORDERED denying the motion. The action was not "to enforce" it was to the validity of the agreement which could not be "enforced" until proven valid. Attorney's fees are not justified by agreement nor pursuant to A.R.S. 25-324.

The Court notes that Father has a trial in the Phoenix Municipal Court for a domestic violence charge on March 19, 2015.

Counsel are directed to provide the Court with an update as to the results of his trial.

IT IS FURTHER ORDERED that the parties shall exchange mutual lists of the disputed inventory in any of their residences or storage units that they have control over by April 17, 2015.

IT IS FURTHER ORDERED that Mother shall also provide a list of the improvements made on the home by April 17, 2015.

The Court has received Father's Motion to Enforce and Mother's Motion to Dismiss the Motion to Enforce, Supplement and/or Response. The Court will review the Motion and Response, together with the transcript of the prior proceeding. The Court will advise counsel by March 19, 2015 if any response is required.

IT IS FURTHER ORDERED affirming this Court's order of February 20, 2015 regarding Father's parenting time. Both parties state that they will follow the court orders regarding Father's parenting time.

IT IS FURTHER ORDERED setting this matter for a **Telephonic Status Conference** on **April 13, 2015 at 8:30 a.m.** (Allotted time: 30 minutes) Mr. Seyffer is directed to initiate the call.

11:35 a.m. Hearing concludes. **(L A T E R)**

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The Court has reviewed Respondent/Mother's Motion to Dismiss & Alternatively Respondent's Response to Petitioner/Father's Motion to Enforce Court-Ordered Parenting Time, filed on March 17, 2015. The Court has also reviewed the video/audio record of the proceedings in this matter conducted on February 13, 2015, at 3:00 p.m.

It appears from a review of the video/audio record that at the very end of the proceedings [beginning at 5:11 on the video/audio record], the Court entered rulings regarding the make-up parenting time issue, finding that Mother had acted vindictively in denying Father parenting time. Therefore, the Court gave Father double the time he missed by extending his normal weekday parenting time schedule to include two overnights for two consecutive weeks. Thus, instead of exercising parenting time every Tuesday from after school or 3:30 p.m. through 6:00 p.m. and every Thursday from after school or 3:30 p.m. through 7:15 p.m., Father was to exercise Wednesday, January 28, 2015, through Friday January 30, 2015, from after school or 3:30 p.m. Wednesday to drop off at school on Friday and again from Wednesday, February 4, 2015 through Friday, February 6, 2015, at the same times. Additionally, Mother agreed to extend Father's alternate weekend schedule from Friday after school through Monday, drop off at school, instead of ending the weekend time on Sundays at 2:00 p.m.

The Court then encouraged the parties to continue with this 5-2-2-5 after the end of Father's makeup time, based upon the child's adjustment to this schedule, however, if the parties were still in conflict about the 5-2-2-5 schedule, the parties would have to revert to Father's previous weekday parenting time schedule of non-overnights every Tuesday and Thursday as set forth above and in the Stipulated Temporary Order filed with the Court on December 10, 2014. Thus, it appears from the record, at least, that the Court's corrective minute entry dated February 20, 2015, was in error, as the parties apparently failed to reach an agreement to continue the 5-2-2-5 parenting time schedule on a temporary basis. The reasonableness of that failure can be addressed at trial in fashioning a permanent parenting time order and as to the issue of final attorney's fees.

At the time of today's Telephonic Status Conference, the Court indicated that Mr. Seyffer would be granted the opportunity to file a Response to Mother's Motion to Dismiss/Response to the Motion to Enforce Court-Ordered Parenting Time, filed on March 16, 2015. The record above-cited appears clear that the parties should now be following a regular parenting time schedule of alternate weekends to Father from Friday after school through Monday, drop off at school, and every Tuesday from after school or 3:30 p.m. through 6:00 p.m. and every Thursday from after school or 3:30 p.m. through 7:15 p.m. However, Mr. Seyffer is entitled to file a Response as the Court indicated on today's record.

Therefore,

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IT IS ORDERED permitting Father until April 6, 2015, to file a Response to Mother's Motion to Dismiss & Alternatively Respondent's Response to Petitioner/Father's Motion to Enforce Court-Ordered Parenting Time, filed on March 17, 2015, or a Notice of No Objection to the Court's findings set forth above. No Reply is necessary from Mother.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.